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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/563,954

01/10/2006

Werner Pfeiffer

50244

3594

1609 7590 05/29/2009

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EXAMINER

POPOVICS, ROBERT J

ART UNIT

PAPER NUMBER

1797

MAIL DATE

DELIVERY MODE

05/29/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/563,954	Applicant(s) PFEIFFER, WERNER	
	Examiner /Robert James Popovics/	Art Unit 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claims **8-21** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the **enablement** requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The following recently submitted recitations are not seen to be supported by the originally filed specification:

supplying unfiltered material through an input to a plurality of stacked frame parts of filtrate plates and filter frames arranged in sets thereof, the filter frames bordering on filter spaces;

feeding a washing fluid sequentially through each set of the second filter mediums, the filter cakes and the laminar filters in that order, and

The recitation ***“arranged in sets thereof”*** does not appear in the originally filed specification. Moreover, referencing the specification and drawings to ascertain the meaning of this recitation in the context claimed revealed the use of the same reference numerals to designate the same part as outlined below.

Support in the originally filed specification could not be found for the recitation, ***“feeding a washing fluid sequentially through each set of the second filter mediums, the filter cakes and the laminar filters in that order.”*** In this regard, the drawings and specification were of little help, as the flowpaths now claimed are not depicted. As such, they do not enable those skilled in the art to practice, make or use the presently claimed invention.

Claims **8-21** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the **written description** requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The following recently submitted recitations are not seen to be supported by the originally filed specification:

supplying unfiltered material through an input to a plurality of stacked frame parts of filtrate plates and filter frames arranged in sets thereof, the filter frames bordering on filter spaces;

feeding a washing fluid sequentially through each set of the second filter mediums, the filter cakes and the laminar filters in that order; and

The recitation ***“arranged in sets thereof”*** does not appear in the originally filed specification. Moreover, referencing the specification and drawings to ascertain the meaning of this recitation in the context claimed revealed the use of the same reference numerals to designate the same part as outlined below.

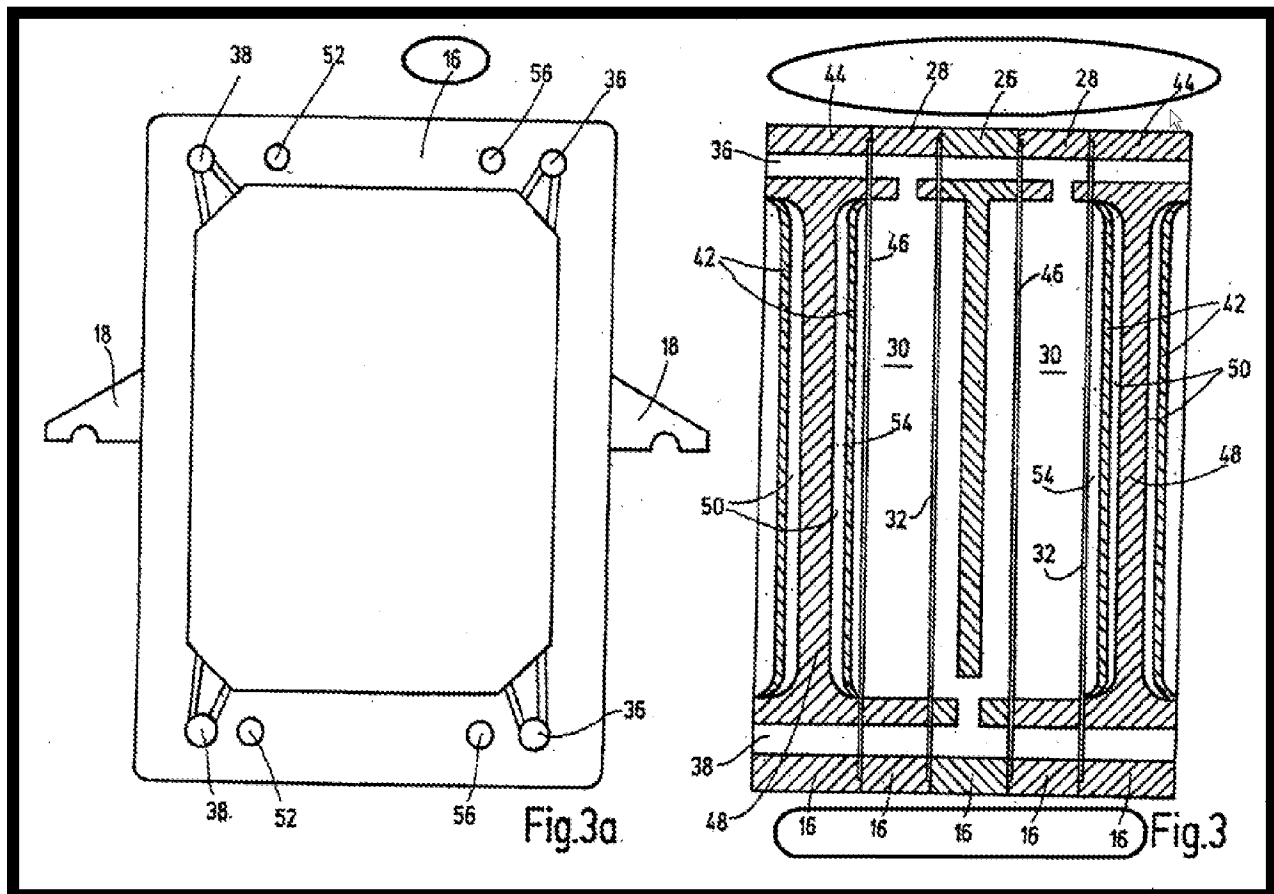
Support in the originally filed specification could not be found for the recitation, ***“feeding a washing fluid sequentially through each set of the second filter mediums, the filter cakes and the laminar filters in that order.”*** In this regard, the drawings and specification were of little help, as the flowpaths now claimed are not depicted.

Claims **8-21** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention. Given the deficiencies of the disclosure, as outlined above, the claims cannot be meaningfully interpreted. It is unclear how the claimed sequential (i.e., ***"in that order"***) flows are accomplished.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters **"44," "28," "26" and "16"** have all been used to designate the same part:



Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet

submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the **claimed flowpaths** must be shown or the feature(s) canceled from the claim(s). **Note the arrows depicting the flowpaths in the illustrations of SAITO (US 5,362,387) below.**

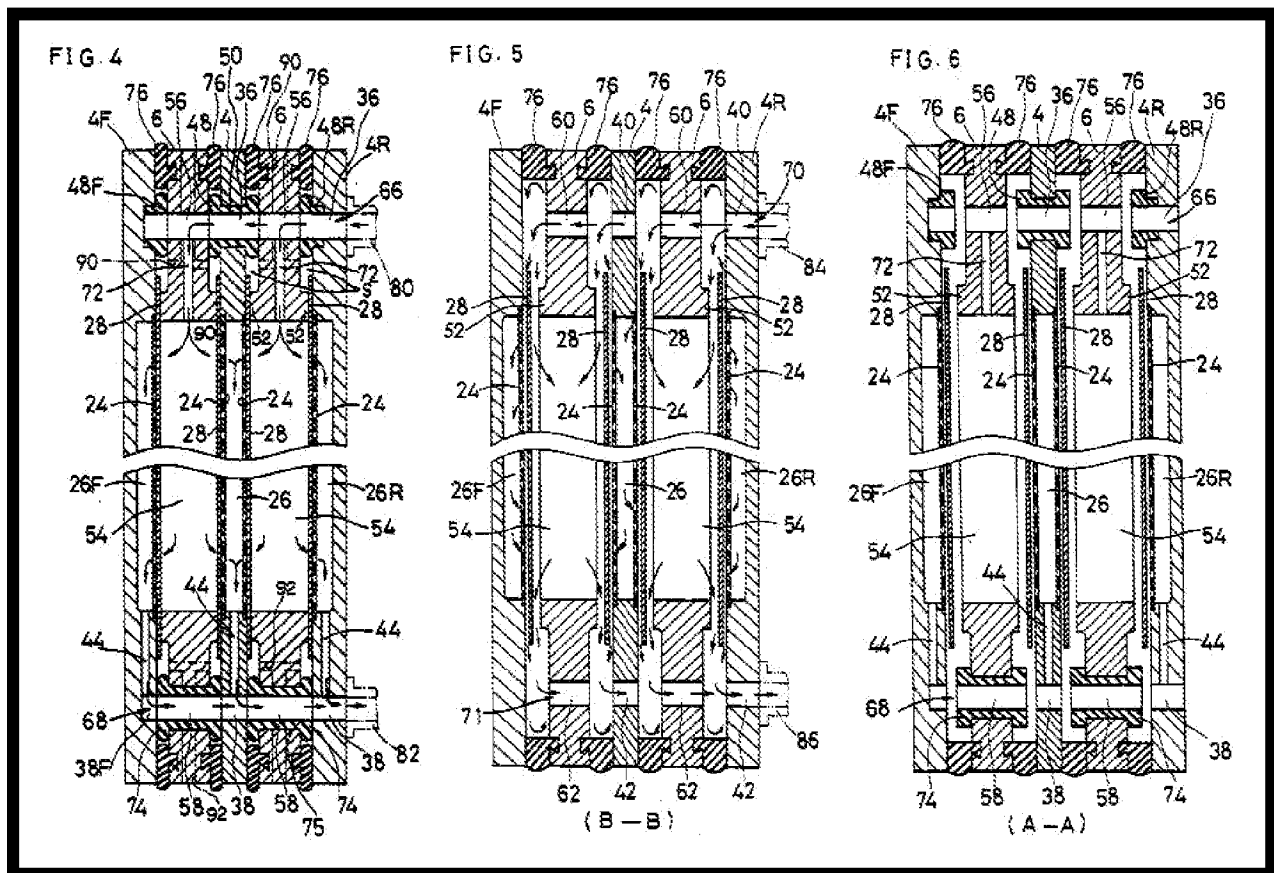
No new matter may be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Saito Patent with Arrows Clearly Depicting Flowpaths



Response to Arguments

Applicant's arguments with respect to claims **8-21** have been considered but are moot in view of the new ground(s) of rejection. ***Applicant may wish to consider filing a CIP application.***

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to /Robert James Popovics/ at telephone number (571) 272-1164.

**/Robert James Popovics/
Primary Examiner
Art Unit 1797**

Search Notes

Application/Control No.

10/563,954

Examiner

Robert James Popovics

Applicant

PFEIFFER, Werner

Art Unit

1797

SEARCHED

Class	Subclass	Date	Examiner
210	772	6-27-06	RJP

INTERFERENCE SEARCHED

☐ PG PUB search conducted; search logic is attached.

Date: _____ Initials: _____

**SEARCH NOTES
(INCLUDING SEARCH STRATEGY)**

	DATE	EXMR
Text Search Conducted.	6-27-06	RJP
Text Search Conducted.	11-26-07	RJP
Text Search Conducted.	6-8-08	/RJP/
Text Search Conducted.	5-26-09	/RJP/